

State of South Dakota

EIGHTY-SEVENTH SESSION
LEGISLATIVE ASSEMBLY, 2012

852T0646

SENATE BILL NO. 142

Introduced by: Senators Nygaard and Tidemann and Representatives Street, Carson, Perry,
and Wink

1 FOR AN ACT ENTITLED, An Act to impose the sales tax on the gross receipts derived from
2 renting mini-storage units, self-storage units, or storage space and the use tax on the use of
3 mini-storage units, self-storage units, or storage space.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 There is hereby imposed a tax at the rate of four percent upon the gross receipts of any
8 person engaging in the business of renting mini-storage units, self-storage units, or storage
9 space.

10 Section 2. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 A tax is hereby imposed on the privilege of the use of mini-storage units, self- storage units,
13 or storage space in this state at the rate of four percent of the rental payments for use of the
14 property.

15 Section 3. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as



1 follows:

2 The Legislature finds that pursuant to § 10-45-5.2, the Legislature intended to subject
3 general warehousing and storage (industry no. 4225) of the Standard Industrial Classification
4 Manual, 1987, as prepared by the Statistical Policy Division of the Office of Management and
5 Budget, Office of the President, to the South Dakota sales tax, including "Warehousing, self-
6 storage" and "Miniwarehouse warehousing." Therefore, the contrary holding in In the Matter
7 of the Sales Tax Liability of James Pirmantgen & Patrician Carlson, 2008 SD 127, is hereby
8 abrogated.